

## Remarks

In this latest Action, the Examiner acknowledged Applicant's previous election of claims and examined claims 8, 11, and 12.

Claims 8, 11, and 12 were rejected under 35 USC §112, second paragraph.

The Examiner rejected claims 8, 11, and 12 for allegedly being obvious based upon EP 080883.

In view of the clarifications presented herein, it is submitted that claims 8, 11, and 12 are in condition for allowance. New claims 31-38 are also presented herein for the Examiner's consideration. These new claims are all dependent from independent claim 8.

### **A. Rejection of Claims 8, 11, and 12 Under 35 USC §112, Second Paragraph, Should Be Withdrawn**

These claims were rejected on grounds that:

Claims 8, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 8, it is unclear whether the phrase "formed from" means "comprised of." It is unclear whether the phrase denotes a product-by-process limitation.

Page 3 of the Office Action.

Claim 8 has been amended to change "formed from" to "comprising." Applicant thanks the Examiner for the helpful suggestion. In view of this clarification, it is submitted that this ground of rejection should now be withdrawn.

### **B. Rejection of Claims 8, 11, and 12 Under 35 USC §103 Based Upon EP 080883 to Guhde et al. Should Be Withdrawn**

This rejection was asserted as follows:

Claims 8,11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guhde et al. EP 080883. Guhde et al. teaches applying a composition comprising zinc flake, aluminum flake, and binder on a substrate. Guhde et al. teaches that the coated substrate may have a top coat conferred on it, including top coat comprised of epoxies, although Guhde et al. may not exemplify such an epoxy-containing top coat. See Guhde et al. (Abstract; col. 5, line 26 through col. 6, line 15; col. 11, lines 25-43; col. 14, lines 10-32; and col. 17, line 39 through col. 19, line 25). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply an epoxy containing top coat to the coated substrate of Guhde, as Guhde suggests that effective top coat protection may be provided in this manner. Epoxy materials are quintessential thermoset materials. The epoxy paint of Guhde would be expected to be indistinguishable from the claimed powder coat composition since, once cured, the powder origins would be expected to be untraceable.

Page 4 of the Office Action.

Independent claim 8, as now amended, recites an anti-corrosion coating system comprising a first layer that includes zinc flakes and aluminum flakes dispersed in a binder, and a second layer disposed on the first layer that includes a powder coat composition. Claim 11, dependent from claim 8, recites the powder coat composition as comprising a thermoset resin. Claim 12, dependent from claim 11, recites the thermoset resin as selected from the group consisting of epoxies, epoxy-polyesters, polyester-TGIC's, urethane polyesters, unsaturated polyesters, acrylics, and combinations thereof.

The cited EP 0808883 document is the EP equivalent to U.S. Patent 5,868,819 to Guhde et al. The '819 patent was cited by Applicant and specifically mentioned in the present application on page 6, line 29 and page 11, line 22. That patent was also expressly incorporated by reference into the present application.

Before turning attention to the present rejection and reliance upon the EP '883/US '819 document, it is instructive to consider the background of the present invention. Powder coatings are well known in the art. Such coatings are frequently applied onto metal surfaces. Many applications involve surfaces that have been subjected to one or more pretreatment operations. Corrosion-inhibiting layers that serve as pretreatment layers on metal substrates, for subsequently applied powder coating layers are also known in the art. However, these pretreatment layers often suffer from various drawbacks such as they contain chromates, they do not provide sufficient long term corrosion protection, and they fail to provide sufficient adhesion or bonding between the underlying metal surface and an adjacent layer of a powder coating. The present invention remedies these drawbacks and provides a new strategy for promoting bonding between a powder coat layer and an underlying metal substrate, while also providing long term corrosion protection, without the use of chromates.

The EP '833/US '819 document describes various water-reducible coating compositions for providing corrosion protection for metal substrates. Although the EP '883/US '819 document notes that the coated metallic substrate may be further topcoated with a "paint or primer" (col. 14, line 13), no mention or even suggestion of a powder coat layer is provided. The Examiner cited a mention of "epoxies" in col. 14, line 30 of the document, however, a closer reading of the document reveals that the

mention of "epoxies" is only an example of a suitable paint that may be applied onto the corrosion-inhibiting layer.

Simply put, the cited EP '883/US '819 document fails to provide the requisite teaching necessary to support a rejection of claims under 35 USC §103.

In addition, dependent claims 11 and 12 recite specific aspects of the claimed powder coat composition, which are simply not taught in the EP '889/US '819 document.

For at least these reasons, the present rejection must be withdrawn.

**C. New Claims**

New claims 31-38 are presented herein. These are all dependent from independent claim 8. No new matter is added since support is found throughout the present application as filed.

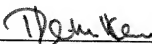
**D. Conclusion**

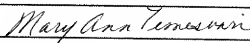
In view of the foregoing clarifications, all claims 8, 11, and 12, and new claims 31-38 are in condition for allowance.

Respectfully submitted,

FAY SHARPE LLP

9/14/07  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Richard J. Minnich, Reg. No. 24,175  
Richard M. Klein, Reg. No. 33,000  
1100 Superior Avenue  
Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being	
<input type="checkbox"/>	deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
<input checked="" type="checkbox"/>	transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.
Express Mail Label No.:	Signature: 
Date: <i>Sept. 14, 2007</i>	Name: Mary Ann Temesvari